REMARKS

This application has been reviewed in light of the Office Action dated August 2, 2007. Claims 1-8 are presented for examination, of which Claims 1 and 5 are in independent form. Claim 5 has been rewritten in independent form. Further search and/or consideration should not be required since this claim was previously presented. Favorable reconsideration is requested.

The Office Action states that Claims 1-4 and 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent Application No. 2001/0053944 (*Marks*), in view of U.S. Patent No. 6,248,946 (*Dwek*); and that Claim 5 is rejected under § 103(a) as being unpatentable over *Marks* and *Dwek* in view of U.S. Patent Application No. 2001/0025259 (*Rouchon*). Applicants submit that independent Claims 1 and 5, together with the claims dependent thereon, are patentably distinct from the cited prior art for at least the following reasons.

Independent Claim 1 recites "one of said stations includes two or more playlists and only one of said two or more playlists specifies the content delivered by that station at any one time." Nothing has been found in either *Marks* or *Dwek* to teach or suggest "only one of said two or more playlists specifies the content delivered at any one time," as recited by Claim 1 (emphasis added).

The Office Action states "*i.e.* [in *Marks*] *the station's main/default playlist 'Top Channel' and one or more distinct side channels of personalized programming*," as teaching "only one of said two or more playlists specifies the content delivered by that station at any one time" (*see* Office Action page 3). Applicants respectfully disagree with this characterization. As

best understood by Applicants, the two or more playlists (i.e. the top channel playlist and the one or more personalized channel playlists) that the Office Action refers to, specify content delivered at the same times. The top channel in *Marks* is a broadcast channel that broadcasts to a plurality of listeners and when a listener dislikes a particular song on the top channel, that listener is tuned into a different personalized channel which uses a different playlist compared to the top channel playlist (*see Marks,* paragraphs 54-55). However, the top channel continues to broadcast to the remaining listeners using the top channel playlist while the new channel is broadcast using the new personalized playlist. Hence, the top channel playlist and the personalized channel playlist specify content delivered at the same time. In stark contrast, Claim 1 recites "only one of said two or more playlists specifies the content delivered by that station at any one time," (emphasis added).

Furthermore, equating the claimed "two or more playlists" with two or more personalized channel playlists in *Marks* renders the same result. The personalized channels created for each user (or each group of users) that dislike particular songs from the top channel are also broadcast at the same time after creation.

Accordingly, Applicants submit that nothing has been found in *Marks* to teach or suggest "only one of said two or more playlists specifies the content delivered at any one time," as recited by Claim 1 (emphasis added).

Dwek and *Rouchon* fail to cure the deficiencies identified above with regard to *Marks* for at least the reason that, as best understood by Applicants, both fail to even mention a station including multiple playlists, let alone the feature of "only one of said two or more [station] playlists specifies content...at any one time," as recited by Claim 1. Accordingly even if

Marks, Dwek, and *Rouchon* could be combined, the result of such a combination would not have all the features recited in Claim 1, and that claim is therefore deemed allowable over those documents.

Independent Claim 5 has been rewritten in independent form. Further search and/or consideration should not be required since this claim was previously presented. Independent Claim 5 includes features similar to those discussed above with regard to Claim 1, and is also believed to be patentable for at least the reasons discussed above.

Additionally independent Claim 5 recites "a playlist validation module for verifying that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules." The Office Action admits that *Marks* and *Dwek* lack this feature and then looks to *Rouchon*. Nothing has been found in *Rouchon* to teach or suggest "verifying that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules,"as recited by Claim 5 (emphasis added).

The Office action cites *Rouchon* paragraphs 15 and 51 as teaching "a playlist validation module for verifying that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules." These portions of *Rouchon* appear to be concerned with signing a contract to secure the rights to air particular songs. As best understood by Applicants, *Rouchon* fails to describe any verification feature and moreover fails to describe "verifying that a playlist contains at least one combination of songs that are in compliance with a set of licensing rules," as recited by Claim 5. Signing a contract for the right to play songs is simply not analogous to verifying the compliance of particular playlists.

Accordingly, Applicants submit that nothing has been found in *Rouchon* to teach or suggest "a playlist validation module for verifying that a playlist contains at least one

combination of songs that are in compliance with a set of licensing rules," as recited by Claim 5.

The other claims in this application depend from one or another of the independent claims discussed above and, therefore, are submitted to be patentable for at least the same reasons. Because each dependent claim also is deemed to define an additional aspect of the invention, individual reconsideration of the patentability of each claim on its own merits is respectfully requested.

In view of the foregoing amendments and remarks, Applicants respectfully request favorable reconsideration and early passage to issue of the present application.

Applicants' undersigned attorney may be reached in our New York Office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address listed below.

Respectfully submitted,

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